



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Jonathan Parker, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Anthony Ippolito

**Meeting Minutes
October 7, 2015**

The meeting was called to order by Jonathan Parker, Chairman at 7:00 p.m. at the Pike House. In attendance were Anthony Ippolito, Dennis Sheehan, and Steve Deackoff (late arrival). Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Carolina Linder was not in attendance.

Approval of Meeting Minutes – September 16, 2015

MOTION: Mr. Ippolito made the motion to approve the September 16, 2015 meeting minutes; seconded by Mr. Sheehan and the motion carried 3-0.

- A) Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108/118 Maple Street and Memory Lane, Map 88, Lots 35, 25, & 36, Map 89, Lot 38, 36, 37 & 39, DEP #305-992**

Mr. Boyd noted that the applicant has requested to continue this matter to October 21, 2015 at 7:02 p.m.

Mr. Ippolito requested an update on this matter. Mr. Boyd explained that the area was flagged by a Wetland Scientist and upon the town's review, it was requested that some of the flags be relocated.

MOTION: Mr. Sheehan made the motion to continue Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108/118 Maple Street and Memory Lane, Map 88, Lots 35, 25, & 36, Map 89, Lot 38, 36, 37 & 39, DEP #305-992 to October 21, 2015 at 7:02 p.m.; seconded by Mr. Ippolito and the motion carried 3-0

- B) Notice of Intent, Town of Tewksbury, Maplewood Ave., Maps 54 and 40, Lots 2 and 26, DEP #**

Mr. Boyd noted that the applicant has requested to continue this matter to October 21, 2015.

MOTION: Mr. Sheehan made the motion to continue Notice of Intent, Town of Tewksbury, Maplewood Ave., Maps 54 and 40, Lots 2 and 26, DEP #; seconded by Mr. Ippolito and the motion carried 3-0.

- C) Notice of Intent, New England Power Company, M139/N140 Transmission Lines, Map 35, Lot 4, Map 34, Lot 33, and Map 32, Lot 3, DEP #

Mr. Boyd noted that this matter will be continued to October 21, 2015.

MOTION: Mr. made the motion to continue Notice of Intent, New England Power Company, M139/N140 Transmission Lines, Map 35, Lot 4, Map 34, Lot 33, and Map 32, Lot 3, DEP # to October 21, 2015; seconded by Mr. and the motion carried 3-0.

Mr. Parker noted that the Committee is running ahead of schedule and suggested discussing new business.

New Business

Mr. Boyd explained that a study was done on Long Pond utilizing Community Preservation Committee funds to analyze the pond to determine any invasive species in the water, water quality, depth, etc. They have determined that 20 years ago the ponds depth was 10 feet and it is currently 5 feet. CPC authorized \$20,000 for the study, but there was a change order and an additional \$3,515 is needed as they would like to flag the wetlands along the edge and vegetation within the pond as the ultimate goal is to remove the invasive species. Requesting appropriate \$3,515 from the Conservation Trust Fund.

Mr. Deackoff arrived.

MOTION: Mr. Ippolito made the motion to appropriate \$3,515.00 from the Conservation Trust Fund for Long Pond; seconded by Mr. Sheehan and the motion carried 3-0-1. Mr. Deackoff did not take part in this vote as he was not present for the entire discussion.

- D) Request for Determination of Applicability, James A. Giasullo, Jr., 55 Kent Street, Map 58, Lot 178

Present was James Giasullo of 55 Kent Street. Mr. Boyd explained that Mr. Giasullo contacted him as the result of the wetlands information pamphlet that was sent out a few months ago. With regards to a pool and shed that he installed that were close to the 100 foot buffer. The shed is approximately 75 feet from the wetlands and the pool is approximately 90 feet from the wetlands.

Mr. Parker opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Ippolito made the motion to close the public hearing; seconded by Mr. Sheehan and the motion carried 3-0.

MOTION: Mr. Deackoff made the motion for a negative determination, James A. Giasullo, Jr., 55 Kent Street, Map 58, Lot 178; seconded by Mr. Sheehan and the motion carried 4-0.

E) Request for Certificate of Compliance, Diane LeBoeuf, 121 Pond Street, Map 31, Lot 1, DEP #305-913

Mr. Parker noted that the applicant is not yet present and suggested tabling this matter to the end of the meeting.

MOTION: Mr. Deackoff made the motion to table Request for Certificate of Compliance, Diane LeBoeuf, 121 Pond Street, Map 31, Lot 1, DEP #305-913 to the end of the meeting; seconded by Mr. Sheehan and the motion carried 4-0.

F) Non-Substantial Change Request, 495 BC Acquisitions, 832-836 North Street, DEP #305-988

Present was Phil Cordeiro of Allen & Major Associates. Mr. Cordeiro explained that they were before the Commission several months ago requesting an order of conditions with regards to site modifications relative to their site driveway and improved parking and circulation. Since the time of issuance, they have worked closely with the department managers and site contractors; have refined the bidding process, etc. and also worked with National Grid; who is an abutter due to power line easement that crosses the site. Mr. Cordeiro explained that, unfortunately, because of some of the elements that National Grid needs to put in place on this property as a result of the Merrimack Valley Reliability Project, they have had to do some rethinking about of the amount of work they need to do and have scaled back some of the scope from what was originally permitted. Mr. Cordeiro explained that they have gone through a non substantial determination and review with the Planning Board and Town Engineer, Kevin Hardiman, to illustrate the new scope and had failed to come before the Commission at that time. As a result, they are now requesting the Commission's determination on whether another filing is necessary. Mr. Cordeiro reviewed some of the changes and explained that they have changed the scope of the work that occurs within the parking lot of building 200; which is technically outside of the Commission's jurisdiction as it is not within any of the wetland areas, but because it was shown on the plans provided to the Commission, they want to ensure the Commission is aware of the changes. In addition, they have eliminated the change of grade as well as some of the storm water management systems and will be utilizing the existing on site drainage points.

Mr. Boyd explained that he has sat in on some of the meetings with the town engineer on this matter and noted that Mr. Hardiman is in support of the changes.

Mr. Ippolito asked if there is a profile for the inverted pipes and Mr. Cordeiro explained that he does not have any of the profiles with him this evening. Mr. Ippolito explained that he is having a difficult time determining the invert of the pipe, gravity of flow, etc. Mr. Cordeiro explained that the 24 inch culvert is relatively flat and is approximately .5% of pitch across the roadway and travels north to south. All of the runoff is contained in

roadway swales that discharge into a plunge pool. Mr. Ippolito asked how much will be built up and Mr. Cordeiro explained a very little amount and noted that he can provide the cubic feet per second and that they will be reducing the amount of flow because of the added landscape islands. Mr. Ippolito noted that he is not entirely comfortable with this. Mr. Cordeiro noted that the calculations were submitted with the original Notice of Intent. Mr. Boyd noted that the town engineer has gone through a lengthy review process and has approved the changes.

MOTION: Mr. Deackoff made the motion for a non-substantial change, 495 BC Acquisitions, 832-836 North Street, DEP #305-988; seconded by Mr. Sheehan and the motion carried 4-0.

G) Request for Certificate of Compliance, Diane LeBoeuf, 121 Pond Street, Map 31, Lot 1, DEP #305-913

Present was Diane LeBoeuf of 121 Pond Street. Ms. LeBeouf noted that she is present to finalize the documentation she has submitted. Mr. Boyd explained that he is in receipt of a letter from an engineer stating the work is substantially in compliance as well as an as-built and he has also visited the site and is comfortable with the work.

MOTION: Mr. Deackoff made the motion to issue a Certificate of Compliance, Diane LeBoeuf, 121 Pond Street, Map 31, Lot 1, DEP #305-913; seconded by Mr. Sheehan and the motion carried 4-0.

H) Enforcement Order, Robert Mitchell, Rosetti Construction, Map 112, Lot 5

Mr. Boyd explained that Mr. Mitchell could not be present, but he would like to provide a brief background on what occurred. Mr. Boyd explained that approximately one year ago National Grid was in for a notice of intent to run an electrical line down Shawsheen Street and have been pumping into a sediment bag to filter out the water. The bag became too full, exploded, and the sediment went in to the wetlands and an enforcement order was issued. The area was raked out by hand and is currently clean and has been tested. Mr. Boyd requested the Commission ratify the enforcement order and impose any other conditions the Commission feels necessary.

Mr. Deackoff asked if the area has been cleaned and Mr. Boyd confirmed this and noted that there was some minor vegetation disturbance due to the hand raking that occurred. Mr. Deackoff suggested continuing this matter to the next meeting and making a site visit.

MOTION: Mr. Deackoff made the motion to ratify the enforcement order, Robert Mitchell, Rosetti Construction, Map 112, Lot 5; seconded by Mr. Sheehan and the motion carried 4-0.

MOTION: Mr. Deackoff made the motion to continue enforcement order, Robert Mitchell, Rosetti Construction, Map 112, Lot 5; seconded by Mr. and the motion carried 4-0.

Additional New Business

Mr. Boyd noted that the annual memberships for MACC have expired and \$696.00 is required for renewal.

MOTION: **Mr. Deackoff made the motion to appropriate \$696.00 from the Wetland Protection Fund for the annual MACC dues; seconded by Mr. Sheehan and the motion carried 4-0.**

Old Business

There was no old business.

Adjourn.

MOTION: **Mr. Ippolito made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 4-0.**

Approved: 11/4/15

List of documents for 10/7/15 Agenda
Documents can be located at the Community Development Office

Approval of Minutes September 16th

- 7:02 PM Abbreviated Notice of Resource Area Delineation, Maple Estates Trust, 108/118 Maple Street & Memory Lane, Map 88 Lots 35, 25, & 36, Map 89 Lots 38, 36, 37 & 39, DEP # 305-992
(Continued)
- *Original ANRAD plans titled "Conservation Plan" dated January 1, 2015 signed and stamped by James D. Aho*
 - *ANRAD Submittal packed dated June, 2015 submitted by Norse Environmental*
- 7:04 P.M Notice of Intent, Town of Tewksbury, Maplewood Ave., Maps 54 and 40, Lots 2 and 26, DEP #
- *Culvert replacement plans submitted by Joseph Guiliano*
 - *Notice of Intent Package dated September 23, 2015*
- 7:06 P.M Notice of Intent, New England Power Company, M139/N140 Transmission Lines, Map 35, Lot 4, Map 34, Lot 33, and Map 32, Lot 3, DEP #305-996
- *Notice of Intent Submittal New England Power Company prepared by BSC Group dated September 2015*
 - *Plans Titled "M139/N140 Transmission Line Reconductoring" prepared by BSC Group*
- 7:08 P.M Request for Determination of Applicability, James A. Giasullo, Jr., 55 Kent Street, Map 58, Lot 178
- *Request for Determination of Applicability Form WPA 1 submitted by James A Giasullo*
 - *Plot Plan for 55 Kent Street signed and stamped by Richard Mede Jr. dated 7/29/15*
- 7:10 P.M Request for Certificate of Compliance, Diane LeBoeuf, 121 Pond Street, Map 31, Lot 1, DEP #305-913
- *Request for Certificate of Compliance Form WPA 8A*
 - *Letter of compliance from Lane Surveyor Richard Mede dated September 18, 2015*
 - *As Built Plan signed and stamped by Richard Mede dated September 18th, 2015*
- 7:12 P.M Non-Substantial Change Request, 495 BC Acquisitions, 832-836 North Street, DEP #305-988
- *Letter from Philip Cordeiro of Allen & Major dated September 23, 2015*
- 7:14 P.M Enforcement Order, Robert Mitchell, Rosetti Construction, Map 112, Lot 5
- *Enforcement Order dated May 27, 2015*
 - *Enforcement Order pictures dated May 27, 2015*